

SAMUEL T. POOLE BN-5599

CA.NO.99-635

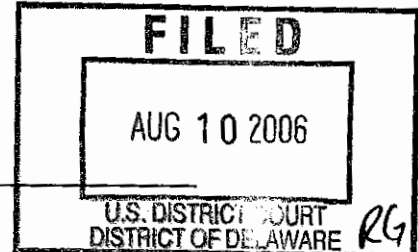
-V-

STAN TAYLOR  
 RAPHEL WILLIAM

SUE L. ROBINSON

MOTION TO ORDER F.R.CIL. P.RULE -12(F)

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### NEGLIGENCE

Actual injury to the plaintiff face up over the right eye showing the cause of the injury by the defendants total neglect of the maintenance problem Great Plain Trust Co. v. Morgan Stanley Dean Witter and Co., 313 F.3d 305.

Gross negligence because they made no attempt to make the proper repair for the safety inmates or guards to fix the sink and the heating problem no attempt to fix the cooling system or the heating system., during the winter freezing to

where toe finger are numb body cold and summer was just as worse burn up in the cell walls sweating lock down for approx. 24 hours if they gotten payed 48 hours 106 degrees outside in the cell in the hallways freezing cold this was only happen on the old side of the jail where pre-trial was the only effected by this the injury over my right eye cause by them failure to make an effort to correct this problem.

### QUALIFIED IMMUNITY

Material fact throw the partial discovery and of the injury to my eye showing that Johnson V. Jones, 515 U.S. 304, 308 (1995) and see Crawford EL 523 U.S.A. 591, see id a. 594., and the summary judgement Anderson V. Liberty Lobby Inc. 477 U.S. 242, 247. (1986) fed. r. civ. P. 56 (C) Anderson, 477 U.S. at 256. this was for you not comply to the discovery.

### 8th Amendment

Wilson V. McKinney, 501 U.S. 294, 304, 111 S. Ct. 2321, 2327. (1991) see e.g. Hick V. Frey, 992 F.2d 1450, 1457 (6th Cir. 1993) and see 112 S. Ct. 1516 (1992) Kingiey V. Bureau of Prison, 937 F.2d 26, 32. (2nd Cir. 1991), White V. Napoleon, 897 F.2d 103, 111. (3rd Cir. 1990); Parrish V. Johnson, 800 F.2d 600, 605. (6th Cir. 1986)., But the defendants sat there and waiting for a tragic event to happen the repair went on notice by taken your time to repair Helling V. McKinney, \_\_\_ U.S. \_\_\_ 113 S. Ct. 2475, 2481 (1993) and the conditions totally unsafe to enter.

Borette V. Wiscomb, 930 F2d 1150, 1154-55 (6th cir. 1991) Jackson V. Cain, 864 F2d 123-5, 1247 (5th cir. 1989); Fould V. Corley, 833 F2d 52, 55 (5th cir. 1987) Corselli V. Coughin, 842 F2d 192, 196 (2nd cir. 1988); Gill V. Mooney, 824 F2d 192, 196 (2nd cir. 1987) H.C. by Hewett V. Jarrad, 786 F2d 1080, 1083, 1087 (11th cir. 1986) and see Farner V. Brennan, 114 S. Ct. at 1983; Citing Helling V. McKinney, \_\_\_ U.S. \_\_\_, 113 S. Ct. 2475, 2480 (1993). and being place on the floor for a long period of time over 180 days and the cold and the heat and injured from your gross negligence Lareau V. Manson, 651 F2d 96, 107, 09 (2nd cir. 1981) this is just double bunking you triple the bunking and every place else you could put inmates did not care about any rights they had the out come from the way you ran prison injury Wilson V. Seiter, 501 U.S. 294, 303, 111 S. Ct 2321, 2326-27 (1991).

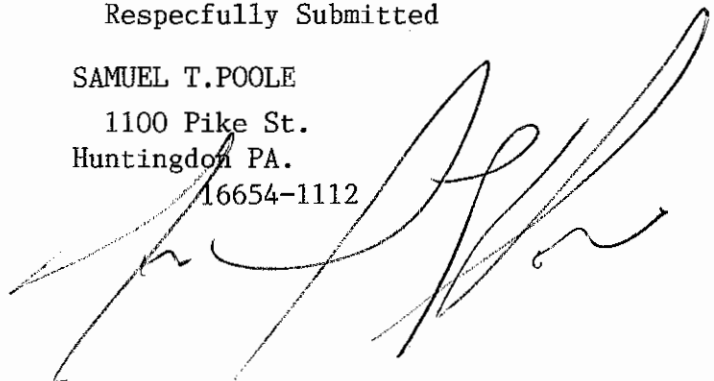
Wherefore this case will continue into the trial and dismiss the claims by the defendants; I am not going to respond to case that have nothing to do with 99-635 and the defendants have already receive my response to that petition because of the discovery I am able to better present my case to a jury.

Respectfully Submitted

SAMUEL T. POOLE

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Huntingdon PA.

16654-1112

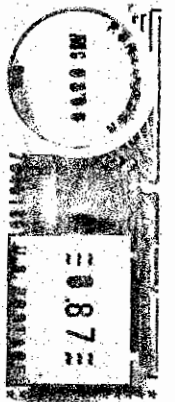
A large, stylized handwritten signature in black ink, likely belonging to Samuel T. Poole, is written over the typed name and address.

7-27-06

C.C. Marc P. niedzielski

8-4-06 certified

Some/Book BMS 99  
1106 Pk 54  
Courtney-PA  
1654-1112



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